

TOWN COUNCIL MEETING MINUTES
Wednesday, October 9, 2013

CALL TO ORDER

Chair Sullivan called the meeting to order at 6:33 pm.

ROLL CALL – ATTENDANCE

James Sullivan, Nancy Comai, Donald Winterton, David Ross, James Levesque, Todd Lizotte, Susan Orr, Robert Duhaime, Adam Jennings, Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

AGENDA OVERVIEW

- a. Swearing in of Police Officers being promoted

Chief Bartlett: This is my first promotion ceremony since becoming chief. This shows the commitment of this agency to harness talents and skills within our own ranks. These promotions and detective assignment will allow the department to provide adequate supervision, mentoring and investigation of cases to ensure excellence in our police service to the community, and I am proud to be part of that team.

- Sgt. James Bradley – began his career in law enforcement in Georgia; joined Hooksett Police Department in July 2007; worked in the patrol division as a certified field training officer, firearms instructor, and has training in critical incident command. He is married to his wife Jamie and they have a daughter Madison.
- Sgt. Justin Sargent – 2006 graduate of Westfield St College with a Bachelor's Degree in Criminal Justice; began his career in law enforcement in Nantucket in 2005 as a summer officer; hired by Bow Police Department in 2007 and graduated from the 143rd NH Police Standards Academy; came to Hooksett in 2012 and worked in the patrol division as a certified field training officer through Roger Williams College, a firearms instructor and a physical training instructor. He is married to his wife Lori.
- Det. Brian Williams – 2002 graduate of Edinburgh University with a Bachelor's Degree in Criminal Justice; began his law enforcement career in Washington, DC in 2005 as a patrol officer; came to Hooksett in October 2009 as a uniform patrol officer; in 2010 he was assigned as the Hooksett school resource officer; recently assigned to patrol division. He has a son Gabriel who is here tonight. Effective Monday, he will be assigned to Detective Division as an investigator.

J. Sullivan: As chair of the Council, I would like to congratulate Sgt. Bradley, Sgt. Sargent and Det. Williams on your new assignment and rank. It is with great pride and appreciation that I, on behalf of the Town Council, welcome you to your new positions and wish you the best of luck. Please stay safe. Congratulations to all of you.

APPROVAL OF MINUTES

- a. Public of 9/25/2013

T. Lizotte motioned to approve public minutes of 9/25/13. Seconded by D. Ross. Vote unanimously in favor.

- b. Non-public (no non-public)

CONSENT AGENDA

- a. Acceptance of Gift cards for Employee Picnic
b. Acceptance of up to \$4,000 from New Hampshire Works for employee training

R. Duhaime motioned to accept the consent agenda. Seconded by T. Lizotte.

D. Ross: NH Works – what type of organization is this?

Dr. Shankle: Work force training; we hired an employee that is part of this and we would get money for it.

D. Ross: Is this local?

Dr. Shankle: Yes, it is funded by state government and part of the department of employment security.

Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

- Attended ICMA conference 2 weeks ago; starting to realize importance of data driven decisions.
- Today I attended the Greater Manchester Chamber of Commerce Economic Development summit where the speaker was talking about the importance of branding. 2 members of the Hooksett Economic Development Committee were also in attendance.
- Attended 2 meetings with DRA on Wal-Mart sewer project; moving ahead.
- Sunday was the dedication of Veteran's Park
 - Kathie Northrup received a letter from Marie Jacob (niece of Robert Jacob who lives in CT.) expressing appreciation for a job well done on a wonderful ceremony

N. Comai: Can we put together a thank you note for Kathie?

Dr. Shankle: Sure, we can do that.

PUBLIC INPUT

Tina Paquette, Secretary of Hooksett Garden Club
Doris Sorel, President of Hooksett Garden Club

D. Sorel: Garden Club update: We arranged to plant perennials at the safety center sign. We have done that and they are beautiful. We planted 4 juniper bushes today with help from Parks and Rec. Hopefully we will expand that with blue spruces to decorate at Christmas time. There is an outlet there - I will speak to Leo about that to see if it is activated.

NOMINATIONS AND APPOINTMENTS

- a. Hooksett Youth Achiever of the Month

J. Sullivan: Councilor Winterton will announce the first Hooksett Youth Achiever of the Month winner.

D. Winterton: The Hooksett Youth Achiever award was designed by this board to recognize the youth of Hooksett who do something special – in any way, shape or manner. I am excited to give the first award to a youth who has done some incredible achievements. The winner is a senior at Manchester Central High School. We have an outstanding young golfer in our community. Matt Paradise has won 5 NH junior golf tournaments this summer. He placed second in the state in the NH state junior championship. He placed 1st in the state at the New England Junior Championship at Connecticut National golf club. He has won a \$2000 scholarship by winning the Bill Hines memorial tournament in Concord. He made the final 16 in the State Amateur tournament, and he became the 2nd youngest person ever to win the greater Manchester city golf championship with a 6 under par; the nearest competitor was 9 strokes back. This is a very good achievement that is being recognized by the town of Hooksett.

Presentation of Certificate and town pin

J. Sullivan: His father was a former Councilor. Congratulations!

- b. Appointment of Councilor at Large

J. Sullivan: We nominated Mr. Jennings at our last meeting. Since then, another application was received. The charter says we have to appoint within 30 days. We can do that now if we want. We generally nominate, then appoint. We have an appointment of a Councilor at large as indicated at our last meeting. We advertised the opening and the applications were due by 10/1 with the indication we planned on appointing at our first meeting in October. Since we nominated 2 weeks ago, we can appoint and we can also nominate someone else.

J. Levesque motioned to appoint Mr. Jennings. Seconded by S. Orr.

S. Orr: The ad we put in the paper requested all applications for consideration be received by 10/1. Did we receive the request from the second candidate prior to 10/1?

Dr. Shankle: Yes, that's why it's in the packet.

S. Orr: I just want to make sure we are within the guidelines.

J. Sullivan: The charter says once the position is vacated, the Council must appoint within 30 days, but we don't have to wait the full 30 days. One nomination was at our last meeting. We have an opportunity to nominate someone else. The next step is to appoint tonight or wait 2 weeks, or based on Councilor Levesque's motion, to appoint tonight.

T. Lizotte: I would ask my fellow Councilors to remove the motion and the second to decide if we are going to nominate a second person or proceed to appoint.

J. Levesque removed motion to appoint Mr. Jennings. Second was removed by S. Orr.

J. Sullivan: Is there another nomination cast?

R. Duhaime motioned to nominate Thomas Keach.

J. Sullivan: We plan to appoint tonight. If we want to, we need a motion to appoint.

J. Levesque motioned to waive the rules and appoint tonight. Seconded by S. Orr. Vote in favor with a 2/3 majority.

J. Sullivan: We are going to appoint.

Roll call:

S. Orr – Jennings
N. Comai – Jennings
R. Duhaime – Keach
D. Winterton – Jennings
D. Ross – Jennings
J. Levesque – Jennings
T. Lizotte – Jennings
J. Sullivan – Jennings

Vote 7-1 in favor of Adam Jennings.

J. Sullivan: We have a new town councilor, Mr. Jennings. Mr. Jennings I am going to ask you to come forward and swear you in.

Adam Jennings sworn in as new Town Councilor At Large.

J. Sullivan: I suggest you contact Dr. Shankle and administrative staff for necessary documents.

c. Appointment of councilor to police contract negotiating committee

J. Sullivan: We need a second member for this subcommittee. We already have Mr. Winterton.

T. Lizotte: Because I relinquished conservation to Mr. Ross and sewer to Mr. Duhaime, I only have budget. I think I could support the endeavor. I can take that assignment, if my fellow Councilors agree.

J. Sullivan: If there are no objections, you are duly appointed.

OLD BUSINESS

a. 13-82 Adoption of Ordinance Relative to Qualifying Historical Buildings

J. Sullivan: We held a hearing on the adoption on that new ordinance. We need a motion to approve that ordinance.

D. Ross motioned to approve the adoption of the ordinance 2013-1 relative to qualifying historical buildings. Seconded by T. Lizotte.

D. Ross: This is a very safe ordinance and applies to only one building in the entire town.

T. Lizotte: The fact is, as told to us previously, a lot of work went into this and takes into consideration any impact to us and the tax payers so I wholeheartedly support it.

J. Sullivan: Clearly this is an ordinance that is prudent because of the nature of the oldest continuing business in town. This is an excellent ordinance to adopt.

Roll Call

T. Lizotte – Yes
S. Orr – Yes
A. Jennings – Yes
N. Comai – Yes
R. Duhaime – Yes
D. Winterton – Yes
D. Ross – Yes
J. Levesque – Yes
J. Sullivan - Yes

Vote unanimously in favor.

J. Sullivan: Dr. Shankle will have a copy for me to sign on behalf of the Council, and it will be posted according to the rules of the charter.

D. Riley: I would like to thank you for adopting this ordinance, on behalf of Robie's Country Store Historic Preservation Corp. A lot of work went into it and this culminates all that activity.

a. 13-64 Community-building Discussion

N. Comai: At our workshop we talked about a community building initiative and went to toolbox and came up with some objectives to formulate a centralized place where we can stay on task. The 3 objectives are: draft pledge, identify youth leaders in our community, and fully participate in Old Home Day. We have done 2 of the 3. Starting tonight I want to talk to you and get a consensus on which way to go. Should we have a short version of a vision statement like "Hooksett, our hometown: Beauty, Tradition and Future" – something that would fit on a bracelet and letterhead? Or is Council leaning in the direction of a pledge. Not sure which way to go. Once we get that figured out, we can work on the actual words. Some towns have short statements and others have long statements.

T. Lizotte: I would say I'm open to anything but I like the concept of keeping it short – easy to remember and has a cadence which allows you to retain it. However a pledge could also work; we don't have the best track record for being wordsmiths so keeping it simple might work.

D. Ross: What was begun has been taken hold of by Councilor Winterton as accomplishing one of the goals. My suggestion is go ahead and think of something to present to the Council.

S. Orr: I concur with both of you. Keeping it short is more reasonable. How do we carry out the pledge? Sustainability of a pledge is more difficult than building a motto or statement. I like the idea of us all coming to the table with ideas and not just leave it to one person. I would go so far as suggesting we put something on the website so other residents can make suggestions for us to consider also.

R. Duhaime: I like the short approach also. Get to the point and people will remember it.

J. Sullivan: Back in the 70's there was a motto: "Hooksett, a good place to live." Do we want a town slogan? I think we can ask the community for their possible suggestions on pledge or motto or slogan is.

Dr. Shankle: One of the things that the Economic Development Committee is working on is branding – motto, pledge, etc. If you are going in that direction, I suggest you get with them to be consistent.

D. Winterton: We haven't had an Economic Development meeting since the last one but branding was discussed and as Dr. Shankle mentioned, it was discussed at the meeting today also. We should really give it some thought between this committee and Economic Development and not do this in a hurry.

N. Comai: These are good first steps.

J. Sullivan: Having the swearing in of newly assigned officers was part of community building and those who attended the program on Sunday. Being out at events shows us being involved in the community. Our presence at the Old Home Day event also – perhaps we could have an informal coffee with Council and go around to different locations. Maybe we could have it at Robie's, to get people out and not be afraid to interact with us.

J. Levesque: Looking at Ritchie Bros website, they list Manchester, NH as the site location. It lists Hooksett once you click on it but we don't get credit on the front page. Maybe the Economic Development Committee can address.

J. Sullivan: Dr. Shankle can ask; I'm not sure. It looks like we want to proceed slowly on coming up with a slogan that defines us. It will take some time.

S. Orr: I approached UNH because they have a service, UNH cooperative extension, that provides consultation – they will come and work with Town Council to brainstorm ideas for community building, branding, etc. There is a sliding scale on what it will cost. I can get more info and a proposal from them. It's worth exploring to see if they can give us guidance.

N. Comai: I suggest we do this after we exhaust our freebies. I think we all know where we are headed and we can come up with something in time.

S. Orr: The key is they are not a marketing group. They are an organization that works with community on a sliding scale. They would just be charging us mileage to get here. They are not an outside marketing firm, it is UNH and they work with lots of towns in this state. It's an option and resource for us.

J. Sullivan: Maybe we can invite them to do a workshop or part of a Council meeting.

T. Lizotte: A couple years ago Dr. Shankle gave me an overview of the town seal, and I created a speech given to second graders at Underhill. They brought to life the seal and the fact we have a history of commerce, government; Dr. Shankle mentioned infrastructure – boats traveling down the river for commerce. Our seal does represent quite a bit. Over the last year we have been focused on history. I think we should try to conceptualize that and take our town seal into consideration.

J. Sullivan: The current seal was adopted in 1972 as part of the 150 year anniversary. I'm not sure what they used before that. I think using what we have is good.

D. Winterton: It should probably be Dr. Shankle that communicates with UNH.

J. Sullivan: We will hold off putting this on the agenda for 2 more meetings.

SCHEDULED APPOINTMENTS

a. Richard Marple: Bonding of Town Employees
Richard Marple, 11 Dartmouth St, Hooksett

R. Marple: What you are seeing is Article 19 of NH bill of rights and 28 years of my work both as legislator and private citizen. This is the latest proclamation from governor. I will be meeting with the governor on the 28th to have this circulated throughout the entire country. NH became first state in the nation to incorporate into their statutes.

Legislature had enacted Uniform Commercial Code – as the means by which the administrative tribunals in our courts worked under common law not under statutes. Jurisdiction is an issue. What is of issue here with me is the 4th amendment to the US Constitution. It was passed to prohibit that which public servants in this town have been doing – searches and seizures. They are committing transgressions against statutory enactments. Supreme Court rulings are being ignored. The US is a corporation; you are leaving your constitutional rights behind and entering the corporate arena where administrative law prevails. The UCC had to be enacted because the last free market was in 1967 when LBJ took silver out of our coins.

J. Sullivan: You mention Uniform Commercial Code in regards to your email on 9/24...because of the UCC, you are requesting the name and address of the bonding company which the charter requires Councilors and employees to be bonded. According to the charter, we are bonded, correct Dr. Shankle?

D. Shankle: The people that are required to be bonded are bonded according to the charter. I don't know the name of the bonding agent.

J. Sullivan: You are asking who the bonding company is. If we provide that, will that address your concern? In what regards have we violated your rights at this point?

R. Marple: Section 5.10 of the charter requires all employees to be bonded and they are not all bonded.

J. Sullivan: You are saying we all should be bonded but we are not all bonded?

R. Marple: You are bonded for acts as officials, but not in individual actions. I got a copy of the insurance policy and the beneficiary is tax department.

J. Sullivan: You want to know the name and address of bonding company. Will that address your concern?

R. Marple: No. The constitution comes in – Article 30 of NH bill of rights states I am an inhabitant. You are the elected representatives on the board of directors of a municipal corporation.

J. Sullivan: The point of my questions is so that we can come to a conclusion that will satisfy you.

R. Marple: The conclusion will that be action (criminal and civil) taken against the violator, which is all documented. Article 8 says you are the agent of we the people.

J. Sullivan: As the representatives of the town, you believe someone has violated your rights?

R. Marple: What was sent out was a violation.

J. Sullivan: Your concern was the information requested regarding the corporation/town of Hooksett, in order to give the individuals who met those criteria of an elderly abatement.

R. Marple: In excess of 140 notices were sent out that were not complete. The statute – a request for information is only from those who did not live in town. There is an option. The impression given was that it was mandatory. It is not mandatory; however, I have documentation stating if I didn't do it I would take a \$4000 hit.

J. Sullivan: Have any of the 140 received abatements previously? Have you?

R. Marple: No, I have a \$4000 penalty. You cannot be penalized for using a right guaranteed by the Constitution which is what happened here.

J. Sullivan: Can Dr. Shankle shed some light on what he has been doing?

R. Marple: This is the current UCC 3-501; it defines what a presentment is – a demand. I used that specific language to return the presentment I received. I executed an oath purgatory I had to use specific language. This municipal corporation has no jurisdiction over me. That is the number one issue because a corporation can only do business with another corporation.

J. Sullivan: The issue you have with the Council is to find out if the body has the authority to request information. Since Dr. Shankle has been dealing with these issues for many years, I want him to shed some light so we can understand.

Dr. Shankle: He does not feel it is legal for us to request information regarding the elderly exemption. We do it as part of the revaluation, as other towns in the state do. We follow appropriate processes, once again, what the state allows. We need to be able to say we know people are eligible for the tax breaks

they are getting. The other taxpayers expect us to make sure that those who get them deserve it. There is a set process, if Mr. Marple is concerned about something having to do with the assessing office, he can appeal to the board of assessors and up to the superior court if he chooses. As far as what he sent me, I have sent it all to the town attorney and the police chief so he is aware we have been accused of breaking laws. We still feel we are acting in an appropriate and legal manner. The court makes that decision ultimately.

J. Sullivan: Whatever we used as language, we are allowed to do that according to state statute?

Dr. Shankle: Although it says we may get the info that way, it also says we are required to make sure we have confirmed that information somehow. We don't know how else to do that without sending them something. If we just gave out elderly exemptions without checking, we would not be doing what we are supposed to do.

T. Lizotte: Dr. Shankle, if we decided, hypothetically, to not give out the elderly exemption, what kind of peril would we be in?

Dr. Shankle: The town votes on the elderly exemptions and how much they will be.

T. Lizotte: There could be a petition to take away the provision to not provide the information and we would be free from any wrongdoing. We follow rules that exist – if there is a constitutional crisis, we are not the body to address this. I understand his arguments and position; I just wonder do the other 140 agree with his position? This body can't make any decision at all. Dr. Shankle is correct; Mr. Marple has to approach the courts to move forward.

J. Sullivan: Since we don't have authority he needs to go to a higher authority. Is that correct?

T. Lizotte: I believe so. I also can understand from a Constitutional standpoint. My problem is the document provided to us is points and pieces; while they are legitimate on the face, they need to be placed into a brief that talks about what the true issue is and the remedy being sought. It needs to be spelled out more clearly in terms of position, but then I think this needs to be adjudicated by the courts.

J. Sullivan: To seek a resolution for your concerns, you need to go beyond us.

R. Marple: The Constitution is the supreme law of the land. Statutes are public policy not law; they can be amended. The RSA's have no jurisdiction over the Constitution. Article 32 of the NH bill of rights gives me the authority to instruct you to do your job as agents of the people. I am one of the people. All I'm asking is accountability.

J. Sullivan: My understanding is that this and previous Councils have always adhered to the charter so if it is a Constitutional issue that we are in violation of, a higher authority needs to tell us. You need to go to that body to tell us to correct or cease the practice. The supreme court of NH has the oversight to make sure the Constitution is adhered to.

R. Marple: Each one of you is an agent. You are elected to represent the people.

J. Sullivan: We believe we have been following the rules based on our understanding of the law. You have a different opinion.

R. Marple: You are ignoring the documentation in front of you that has been submitted. Have you read it?

J. Sullivan: Yes I have read all the information presented to us. My understanding is in order for your concern to be addressed you need to go to a higher agency to tell us that we are in violation of the state constitution. You believe we are and we don't believe we are.

D. Ross motioned to instruct the Town Administrator to provide Mr. Marple with the name of the bonding company for the town. Seconded by T. Lizotte.

R. Duhaime: Mr. Chair, I have the utmost respect for most people in the room, and the one I respect the most is you for how much patience you've just shown. Robert's Rules of Order – you will wait until the Chairman addresses you; you will be as patient with him as he has been with you. The rest of these board members have been elected and are volunteering their time up here. You will, please, address the Chair and respect all of us Councilors as we respect you so this meeting can continue. That's all I ask.

J. Sullivan: We serve to see if we can solve issues and address concerns. There are certain things we don't have the authority to do. We are trying to solve your problems, but we have no authority. We are trying to address your issues.

Dr. Shankle: I will give him the name of the bonding company used for officials, but he wants the name of the bonding company for Todd Haywood who is the contract assessor for the town; however, he is not bonded by the town, nor is he required to be because he is not an employee of the town.

J. Sullivan: If there is a charter violation, there is a process to recall all of us if we are violating the charter.

D. Ross: I believe that any actions we take – appointing someone to do a job for us, it's an action we have taken and it should fall under our bond. If he has acted improperly it comes back on us. Therefore the only recourse is to seek remedy through the bonding company.

Vote unanimously in favor.

J. Sullivan: We appreciate your concerns and the Town Administrator will provide you with as much info as possible.

T. Lizotte: The only thing I would ask is what is the definition of inhabitant vs. citizen in regards to jurisdiction?

J. Sullivan: Council says that is OK.

5 MINUTE RECESS

T. Lizotte: For clarification - my argument talking about removing elderly exemptions was to test the theory that if you took something away, will that person react to it? Everybody wants the benefit but some people are not willing to do what is necessary. Regarding the RSA, we adopted it for the benefit of the elderly in town. I was trying to show differential – I am not for removing anything. In this case we adopted that RSA.

a. 13-103 Adoption of amended Town of Hooksett Safety Manual

Diane Boyce: This has been a huge team effort between department heads and joint loss management to get this manual together to comply with the Department of Labor. It's a good plan for employees, employer (Town of Hooksett) and the residents.

T. Lizotte motioned to adopt the amended Town of Hooksett Safety Manual. Seconded by R. Duhaime.

T. Lizotte: I know you went through the OSHA audit and this is countering that. Will every department have training manuals that will have sign offs?

D. Boyce: Yes.

D. Ross: This is a table of contents; is it available elsewhere?

Dr. Shankle: We sent it to you in your packet. It is very large and is also in the agenda packet online.

J. Sullivan: It talks about reporting job injuries, fundamentals of incident prevention, violation of safety procedures, safety program activities, and handling of injuries and accident reports.

S. Orr: The sexual harassment policy is included in the safety manual?

D. Boyce: It is in the personnel plan.

R. Duhaime: Will you have to say you read it and sign off on it?

D. Boyce: Every employee will get a copy and will sign off.

T. Lizotte: The fire department has a pdf system when each fireman has a change, he can make the change and send it up to his superiors, but in the future it might be interesting to benchmark against the fire department on how we do this.

D. Boyce: Each department has their own policies.

Dr. Shankle: People will read this and we will have training on this as well.

D. Boyce: In my department we are going to take time weekly to go through each section.

D. Fitzpatrick: I want to thank Diane as she worked diligently to get this at tonight's meeting. We have initiated training. If we saw a trend we are going town wide to initiate training.

Vote unanimously in favor.

b. Library Event and Salvation Army
Mary Farwell and Mac Broderick, Library Board of Trustees

M. Broderick: Do you know which library in the state of NH has won the NH Library Trustee Association award for 2013? Hooksett Public Library! It is a big honor for us. We'd like to thank the Council for your patronage and support. It has really paid off huge dividends to the town to have such a great facility. We are part of a consortium that allows patrons to have access to millions of different items. We hope to continue our service to community – they appreciate what we have and use it a lot. You are all welcome to join us as we celebrate on November 9 from 1-3 pm. The award presentation is at 1:45.

M. Farwell: You have been talking about community building in the last few months. We look at this as a community building event, as something we have all created together. We are hoping to see all of you on the 9th.

J. Sullivan: I want to make sure you didn't overlook the trustees and the staff.

M. Farwell: We are the most thinly staffed library of like towns. They are amazing and their dedication is wonderful. We want to celebrate the environment that we can grow this library. It's also our 15-year anniversary being in that building. We talked about having the best library in NH and I think we do.

M. Broderick: We put a lot of emphasis on that aspect on our application for this award. We rely on staff to be versatile and to do more than what is expected. They deliver and this is in their honor. Heather is the face of the library but she has many people behind her supporting her.

M. Farwell: We also want patrons/kids to speak about their experiences at the library. We want to be the first place that people think of when they need something to do. I have been in charge of the Salvation Army bell ringing for 10 years now. It's gotten to be a big deal. We raised \$60,000 last year; \$48,000 stays in Hooksett. It all runs through this building....it goes to scholarships, food pantry, Kids Kloset, emergency relief (of the \$48,000, \$19,000 went to rent assistance), and family services. There have been 2 of us doing it the last 10 years so it's been wonderful to have people step up. We want to publicize more that there is an opportunity to do good for your neighbors. Todd and Mac did a great job on the brochure. I hope you could include this little blurb in the town newsletter that goes out with the tax bill to reach the community. We are short a weekend this year so we have to work even harder to collect money. We spent the whole \$48,000, and for some people things are better, for others they are not. We are fortunate that we have the safety net to help those who need a boost to get back on their feet. It's a

wonderful thing to do with your kids to get them on the other side of the bell. We need to get the word out for volunteers.

J. Sullivan: Beginning October 15, they can find info on town website?

M. Farwell: Yes we are on the website. They can call us also.

J. Sullivan: hooksett-nh-sa.orgaction.com/org2

M. Farwell: You can also see it on our Facebook page.

J. Sullivan: When does the bell ringing start?

M. Farwell: The day after Thanksgiving.

M. Broderick: The money stays in Hooksett. We have great sites for bell ringing. We need people to recruit friends and teams to step up because we might have even more sites next year to consider.

M. Farwell: People can go to the site to see what is available. It is so easy.

D. Ross: The impetus for us is to take advantage of our fishing spots. There are private organizations that have spots – if we can't fill these spots they will bring someone else in and our residents are going to miss out.

N. Comai: If you have a company that has community outreach programs, she can fill slots as well as being a bonding event for the company.

Dr. Shankle: This is almost dollar for dollar to save the town money. Whatever she gets means we don't have to raise taxes. It goes to things we would need money for anyway.

M. Farwell: I know that people are getting healthy food by going through the food pantry instead of getting vouchers and buying whatever they want at the grocery store.

J. Sullivan: Can we put this in the town newsletter?

Dr. Shankle: If we do a town newsletter, we will. Somebody said it's illegal to send something out with the tax bill. I need to follow up on that. If we can, we will do it.

D. Winterton: I think Manchester sends things like paid advertising out with their tax bills.

NEW BUSINESS

b. 13-100 Police Staffing Report Chief Bartlett and Capt. Daigle, Hooksett Police Department

Chief Bartlett: I was asked to put together a staffing plan as we move forward. The 2012 audit made recommendations to eliminate certain positions in the department. In the 9 months I have been here, I have concluded that the voids have made the police department imbalanced as far as command and supervision. If the investigative component needs the patrol unit to do something, there is an imbalance of power that can occur. My proposal is the balanced organizational chart that I recommend Hooksett builds to and operates under. Under my position is captain – second in charge of the agency. He has the most responsibility of administrative operations: administrative division, budget/finances, expenditures as well as the legal side (administrative processes with courts up to prosecution of cases). Also inclusive of the records management side of the department - those are the function bullets under the Captain position as I envision moving to. On the left side, we need to create investigative lieutenants position and under that is investigative division which includes the detective sergeant who will supervise the detective unit which is responsible for juvenile crime, property and evidence function, sex offender compliance; the other side is special enforcement through that division (special investigations unit, organized crime and

vice; narcotics). Those two columns are my recommendation on how the investigative division should be structured.

Right side of Captain's position is Operations Lieutenant (in charge of daily patrol operation of agency) – patrol division and communications division. Under that side we have: 5 patrol sergeants, uniform street patrol (15 – we will have 5 officers per shift running 3-car coverage at all times), school resource officer, mountain bike patrol, accident investigation, traffic enforcement motorcycle unit, reserve officers (housecleaning). The other side is the communications division – dispatch center, communications supervisor and dispatchers (currently we have 5 but would like to increase to 6 so there are 2 for each shift). This is where I want to go with the agency as far as the department plan and organizational chart. We are looking at increasing by 4.5 employees because I'd like to add a part time receptionist/clerk position. One of my admins is being trained to job share evidence - we need to make sure it is taken in properly and stored properly. We are moving to a new system. The detective and administrative assistant will be the only 2 people access to this room. We can give this function the time and attention it deserves. It would be better than leaving the chair empty. This is my proposal.

Dr. Shankle: Can you talk a little about how you can add these people within your current budget?

Chief Bartlett: With the projection from finance for current staff FY2013-2014, it looks like we have an extra \$169,994. When I came here last year we were slated to give back roughly \$478,000 in salary benefits. We returned \$366,000 in salary and benefits at the end of the fiscal year. July 1 there was a 2 % raise; we are looking at a \$160,000 estimated overage for this budget year. The town voted to give us 29 sworn positions and we are trying to get to 25. We should have enough funding to move to 29 positions and fund the positions with what we have. 1/1/2014-6/30/2014 estimates salary and benefits to be \$216,629.81; the estimated overage I'm not sure is accurate. I need to confirm with Christine. I think we were funded for 29 positions and we just kept giving that money back.

T. Lizotte: There was a vote for 29 4 or 5 years ago with the budget committee. We started cutting back because the police budget had another \$800,000 in it at the time and it was slowly brought back. WE were trying to build it back up. Funding was for 27 which was probably what was available to fund it. If it was going to go to 29 it would have to come from somewhere else.

N. Comai: I was on the budget committee a few years back. We'd have to pull up the warrant article. I don't believe it stated they were funding 29 officers; the funding asked for at the time was exorbitant. I hope you are going by what needs to be done based on your experience and the audit review. Do we have enough to fund everything?

Chief Bartlett: I do take that into consideration. Part of my plan moving forward – I did look at the audit and as I work day to day and look at past positions I was told we were top heavy. Some of the command staff positions weren't operating in that capacity. It seems like there were deficiencies in job functionality back then so I have taken that into consideration.

D. Ross: As far as history, in 2006, 29 positions were allocated for the police department. They didn't fill them but it was always the count. I don't know when it was reduced.

T. Lizotte: As long as we have analytics in terms of what Christine develops in available funds, I would personally get behind it. But I'd also say Dr. Shankle has created the town organizations as more of a team effort. Where we see increased savings in one department we can use in other departments. I want to make sure our services are top notch. I think we can go to the public and hopefully get that. I think we can stand behind that as long as the analytics are firm. I think some of the difficulties were from not having the technology required to streamline some of the functions.

R. Duhaime: Taxpayers are not passing a budget where we keep asking for more money. I like that you came up with this plan. We are going to grow and we need to have new staffing. You are looking to meet future demands.

Chief Bartlett: It's to make sure we have adequate coverage and protection for the town. I had to call the day shift in at 1:45 a.m. when we had the shooting in town. You do what you have to do to make it work. These staffing levels are an attempt to balance with the appropriate levels of staffing. I am sensitive to

the budget aspect of things. This is the plan I see the department moving to in the future. I will need to work with you on the funding.

S. Orr: We want to have a full contingent of officers but I want to be careful because we want this to be funded and not voted down because voters think it's too much too quickly. I fully support that. Do you not currently have an operations lieutenant?

Chief Bartlett: I have an operations lieutenant, not an investigative lieutenant.

S. Orr: You mentioned mentoring. Do you have mentor training? Do you work with those assigned as mentors? Not everyone can be a mentor.

Chief Bartlett: When a new officer comes in, we have a field training officer program in-house that these training officers are trained for. They are evaluating new officers on internal procedures. Those officers are mentors and they respond to a call and make sure the officers are providing services according to policies and procedures.

S. Orr: That's a procedural mentoring. I'm looking at it from another side – cultural mentoring. You want to maintain a positive culture. Who mentors the mentors?

Chief Bartlett: Command staff has things trickle down then come back up. It's a 2-way communication. I talk daily to all aspects of the agency. We have daily staff meetings to find out what is happening on a regular basis, we attend role call – we get into the culture of the agency.

J. Levesque: I remember there being 29 positions – but maybe these selections weren't approved and people leaving weren't replaced and that's why we didn't get to 29. I think we should help the chief get there.

D. Ross: It says 4.5 employees so you are adding another part time?

Chief Bartlett: I currently only have one part time officer position; the .5 employee is for the receptionist/clerk position

D. Ross: The definition of part time is going to be changing as far as health benefits that the town will have to provide for them.

Dr. Shankle: I was looking for a feeling – it makes no sense to start this if you start cutting things in the budget process. We have a sense where they want to go with this. Worst case, we end up with a default budget again, and we don't want to have to lay anybody off. You're going to do what you can do within the constraints of the budget we currently have.

J. Sullivan: You are going to proceed accordingly through administration.

R. Duhaime: Morale is up and everyone is happy and I'd like to see these officers stick around for a long time.

Chief Bartlett: Employee retention is key. The experience you get in the community you work in is a great asset to an officer throughout his career.

c. 13-101 Agents to Expend on capital reserve funds

N. Comai motioned to name the Town Council as agents to expend for the Police Computer System Development and the Emergency Radio Communication System Development Capital Reserve Funds. Seconded by T. Lizotte.

Dr. Shankle: I forgot to sign, but I would have signed this and I do concur.

Vote unanimously in favor.

d. 13-102 Police the Mobile Data Terminal contract award

T. Lizotte motioned to allow the purchase of Patrol PC's mobile data terminal in the amount of \$37,688. Seconded by D. Ross.

Chief Bartlett: The mobile data terminals are in addition to and facilitate the functions of officers within the confines of the cruiser while they are working. We sent out the RFP, 3 companies bid and this was the only company to adhere to the RFP specifications. It provides for convenience, expedience and less human error with accident reports, arrest reports and summonses. The company is providing a ruggedized tablet installed in each of the 8 cruisers to operate this IMC software. The only thing it can't facilitate is evidence tag print out. This was the company that adhered to the technical piece of the barcode reader and an option to have biometric addition should it be necessary in the future.

D. Winterton: Are there any guarantees or warranties if the cruiser ends up in the river and the unit goes with it?

Chief Bartlett: I know we are insured for that through LGC insurance.

D. Winterton: Nothing from the manufacturer?

Chief Bartlett: I believe there is a warranty period but I don't have that info with me.

S. Orr: Under issue it says *the police department is looking for the Council to approve the use of funds available in the salary line*. Underneath it says *the police department is looking for the Council to approve the use of funds available in the Capital reserve fund "police computer system development" account*.

Chief Bartlett: That is a typo on my part. The funding is coming from the computer line and the remaining \$10,000 from the drug forfeiture line.

J. Sullivan: So the correct location is under fiscal impact.

Dr. Shankle: I didn't sign this one but I do concur.

Roll Call

J. Levesque – Yes
T. Lizotte – Yes
S. Orr – Yes
A. Jennings – Yes
N. Comai – Yes
R. Duhaime – Yes
D. Winterton – Yes
D. Ross – Yes
J. Sullivan – Yes

Vote unanimously in favor.

Chief Bartlett: I have an update for you – Dr. Shankle and I were to confer on the insurance settlement. The insurance company has given us additional funding and the new total is \$187,450; I believe Capt. Casey delivered the check today or will tomorrow. It is an additional \$87,000.

e. 13-104 Alarm System Monitoring

D. Ross recused himself and stepped down.

J. Sullivan: As a result of David Ross being an elected Councilor, Dr. Shankle though it was time to look at other bids. Fiscal impact; recommendation from Public Works director is to accept David Ross' contract. Dr. Shankle is not giving a recommendation; Council would need to approve recommendation.

N. Comai motioned to accept the recommendation from Leo Lessard and approve the contract with David Ross. Seconded by J. Levesque.

N. Comai: This happens all the time that people within the Council do work for the community. It should be evaluated from time to time and it has been evaluated.

J. Levesque: We have to trust him and I have no problem with it.

J. Sullivan: The charter says *no compensated employee of the town is eligible to serve as a Councilor* – you indirectly become your own boss. That may be a gray area.

Dr. Shankle: My only concern is Sec. 7.2, Conflicts of Interest:
Any elected or appointed officer or employee of the Town who has a direct or indirect interest, or whose family members have a direct or indirect interest, in any planned or existing contract, job, work or sale of goods, real estate or services or who has an interest in any permit, application or matter pending before a board shall not sit, advise, vote or otherwise participate in consideration of said matter or transaction. My conflict of interest is that he gets a vote on my contract.

J. Sullivan: Those are 2 issues that may have a cause for concern.

D. Winterton: I have no problem as I don't think he is an employee; I think we should hire companies from Hooksett.

S. Orr: There is no question about quality of service; he is doing a great job. My concern is the appearance is he is on a board that votes on contracts and he is in a position to decide if we hire him. That is a conflict and I would be concerned about how this appears. Other side is he has had the contract prior to sitting on the Council. He is in a position to negotiate a contract and decide whether we hire him and I'm struggling with that.

D. Ross: I was on the Council when I was hired and it went through legal.

D. Winterton: The conflict of interest says that person shall not sit on the board. I'm OK with this.

R. Duhaime: He recused himself, and it's not a large amount of money.

J. Sullivan: The only person who can advise us doesn't feel comfortable.

Dr. Shankle: If you have questions I can ask Leo to be here.

J. Sullivan: We can hold off if we have more questions and ask Mr. Lessard to come back.

N. Comai: I think we answered your question as Mr. Ross has recused himself so he is not part of the decision to hire himself. We might want to table to read the charter and interpret it correctly. In this case I have to reread the charter.

***T. Lizotte motioned to table the discussion. Seconded by N. Comai.
Vote unanimously in favor.***

J. Sullivan: We will table and ask Leo to come to our next meeting. Do you want me to contact the town lawyer for advice?

D. Winterton: I don't think we need to.

T. Lizotte: I would ask Leo for an apples to apples comparison in a matrix. Is there is a formal bid to make sure everyone has an itemized list? There is no total on this email.

***D. Ross motioned to extend the meeting for 15 minutes. Seconded by T. Lizotte.
Vote in favor.***

SUB-COMMITTEE REPORTS

- R. Duhaime: SNHPC letter
- S. Orr: Nothing to report.

- N. Comai: Nothing to report.
- J. Sullivan: The Heritage Commission thanks you for attending the dedication ceremony; 175 people attended.
- D. Winterton:
 - The Planning Board sign committee did not meet because the requirement to be posted was not met, and it wasn't. There was confusion about posting for the EDC
 - Regarding engineering situation – the planning board showed some interest in continuing the discussion but wanted more information on the budget impact
 - Only 2 people involved with CIP committee – is there an absolute requirement for this committee? Extra set of eyes is a good idea but with no additional volunteers, the planning board will make a decision at the next meeting
- D. Ross: The Conservation Committee was delayed to 10/14; Parks and Rec meets on 10/15; there were questions about who decides on Halloween time?

K. Rosengren: We have minutes from Council meetings years ago that the date and time is perpetually set at this time, from 6 to 8 pm.

D. Fitzpatrick: This is also approved by the police department, so we would need to confer with them also; they are aware the Town Council has approved 6-8 on Halloween night as they already have patrols scheduled.

S. Orr: So we can still make a motion to change the time?

D. Ross motioned to change trick or treat time to 7pm – 9pm. Seconded by S. Orr.

S. Orr: I understand the safety issue but younger children are out with an adult; most have glow sticks and lights and even younger children enjoy darkness. We take away the fun by being too cautious sometimes.

R. Duhaime: I would rather wait to talk to the chief.

Roll Call

D. Ross – Yes
J. Levesque – Yes
T. Lizotte – Yes
S. Orr – Yes
A. Jennings – Yes
N. Comai – No
R. Duhaime – No
D. Winterton – No
J. Sullivan – No

Vote 5-4 in favor.

J. Sullivan: We want to inform the chief of our intentions.

- J. Levesque: no ZBA for second month in a row
- T. Lizotte: budget meeting on 9/26; looking forward to the budget coming down; we scheduled Dr. Shankle and Dr. Littlefield for the same day

PUBLIC INPUT

None

NON-PUBLIC SESSION

NH RSA 91-A:3 II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her,

NH RSA 91-A:3 II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself. (tax deeds)

J. Sullivan motioned to enter non-public session (a) at 9:40pm. Seconded by S. Orr.

Roll call

D. Winterton - Yes

D. Ross - Yes

J. Levesque - Yes

T. Lizotte - Yes

S. Orr - Yes

A. Jennings - Yes

N. Comai - Yes

R. Duhaime - Yes

J. Sullivan – Yes

Vote unanimously in favor.

J. Levesque motioned to exit non-public at 9:50pm. Seconded by D. Ross.

Vote unanimously in favor.

J. Levesque motioned to seal the non-public minutes of 10/9/13. Seconded by D. Ross.

Vote unanimously in favor.

PUBLIC MEETING CONTINUED – 9:50pm

J. Levesque motioned to adjourn at 9:50 pm. Seconded by D. Ross.

Vote unanimously in favor.

Respectfully submitted,

Tiffany Verney
Recording Clerk